

US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: October 25, 2006  
Comment Deadline: November 27, 2006  
Corps Action ID #: SAW 2006 41139 234

The Wilmington District, Corps of Engineers (Corps) has received an application from Vulcan Materials Company seeking Department of the Army authorization to impact approximately 880 linear feet of stream channels of the jurisdictional waters of an unnamed tributary of Cuddybum Branch associated with the proposed expansion of their existing East Forsyth Quarry facility located off of NC 66 south of the intersection with US 311, west of Honeytown, in Forsyth County, North Carolina.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at [www.saw.usace.army.mil/wetlands](http://www.saw.usace.army.mil/wetlands)

**Applicant:**

Vulcan Materials Company  
Attn: Mr. Tim Knopf  
4401 North Patterson Avenue  
Winston-Salem, NC 27115

**AGENT:**

Carolina Wetland Services  
Attn: Craig R. Wyant  
550 East Westinghouse Boulevard  
Charlotte, NC 28273

**Authority**

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act.

**Location**

The proposed project site is located on the southern property boundary of the existing quarry facility running adjacent to High Point Road, west of Honeytown, in Forsyth County, North Carolina. Coordinates (in decimal degrees) for the site are 36.0223 North, 80.0656 West. The site is adjacent to an unnamed tributary of Cuddybum Branch in the Yadkin River Basin (8-Digit Cataloging Unit 03040101).

## **Existing Site Conditions**

General land use in the vicinity of the existing quarry operation consists of low density residential neighborhoods and several commercial businesses. The project impact area is bordered to the north by the existing quarry, bordered to the east by NC 66, bordered to the south by High Point Road, and bordered to the west by the main branch of Cuddybum Branch. Vegetation within the proposed impact is mostly forested with red maple (*Acer rubrum*) and sweet gum (*Liquidambar styraciflua*) and understory vegetation consisting of Chinese privet (*Ligustrum sinense*) and Japanese honeysuckle (*Lonicera japonica*). One jurisdictional stream is present within the project site's boundaries, an unnamed tributary of Cuddybum Branch. The stream channel has been degraded by the surrounding urban land use. Household trash litters the greatly incised and unstable stream channel.

## **Applicant's Stated Purpose**

As stated by the applicant, the purpose of the project is to expand an existing crushed stone quarry operation into known suitable stone reserves.

## **Project Description**

Vulcan Materials Company (VMC) has nearly exhausted the stone reserves at its East Forsyth Quarry in Forsyth County, North Carolina. In order to mine additional stone reserves which have been identified on site and to continue quarry operations, VMC will have to relocate their plant processing and stockpile operation from the north side of the property where suitable stone reserves are located. The stone reserves on the southern side of the property are limited in quantity and are mostly unsuitable. The existing quarry operation is constrained to the north by US 311, to the east by NC 66, to the west by Cuddybum Branch, and to the south by High Point Road (Old US 311).

Approximately 57 acres of land is located between the existing pit and High Point Road on the south. This is the only area of the site which has enough land to relocate the plant processing and stockpile operation. In order to accomplish this, approximately 808 linear feet stream (519 linear feet of perennial stream channel and 289 linear feet of unimportant intermittent stream channel) would be relocated. Due to topographic constraints, there is not enough room to construct the relocated stream utilizing natural stream channel design methods. The diverted flow would be direct into an open conveyance channel along the road right of way.

The applicant proposes to mitigate for permanent impacts to jurisdictional waters by payment to the North Carolina Ecosystem Enhancement Program (EEP). By letter dated August 15, 2006, the EEP stated their willingness to accept payment and provide up to 808 linear feet of warm water stream channel mitigation in the Yadkin Basin (8-Digit Cataloging Unit 03040101).

## **Other Required Authorizations**

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice combined with the appropriate application fee at the North Carolina Division of Water Quality central office in Raleigh will constitute initial receipt of an application for a 401 Water Quality Certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms Cyndi Karoly by November 20, 2006.

## **Essential Fish Habitat**

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project will not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

## **Cultural Resources**

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

## **Endangered Species**

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps is not aware of the presence of species listed as threatened or endangered or their critical habitat formally designated pursuant to the

Endangered Species Act of 1973 (ESA) within the project area. A final determination on the effects of the proposed project will be made upon additional review of the project and completion of any necessary biological assessment and/or consultation with the U.S. Fish and Wildlife Service."

## **Evaluation**

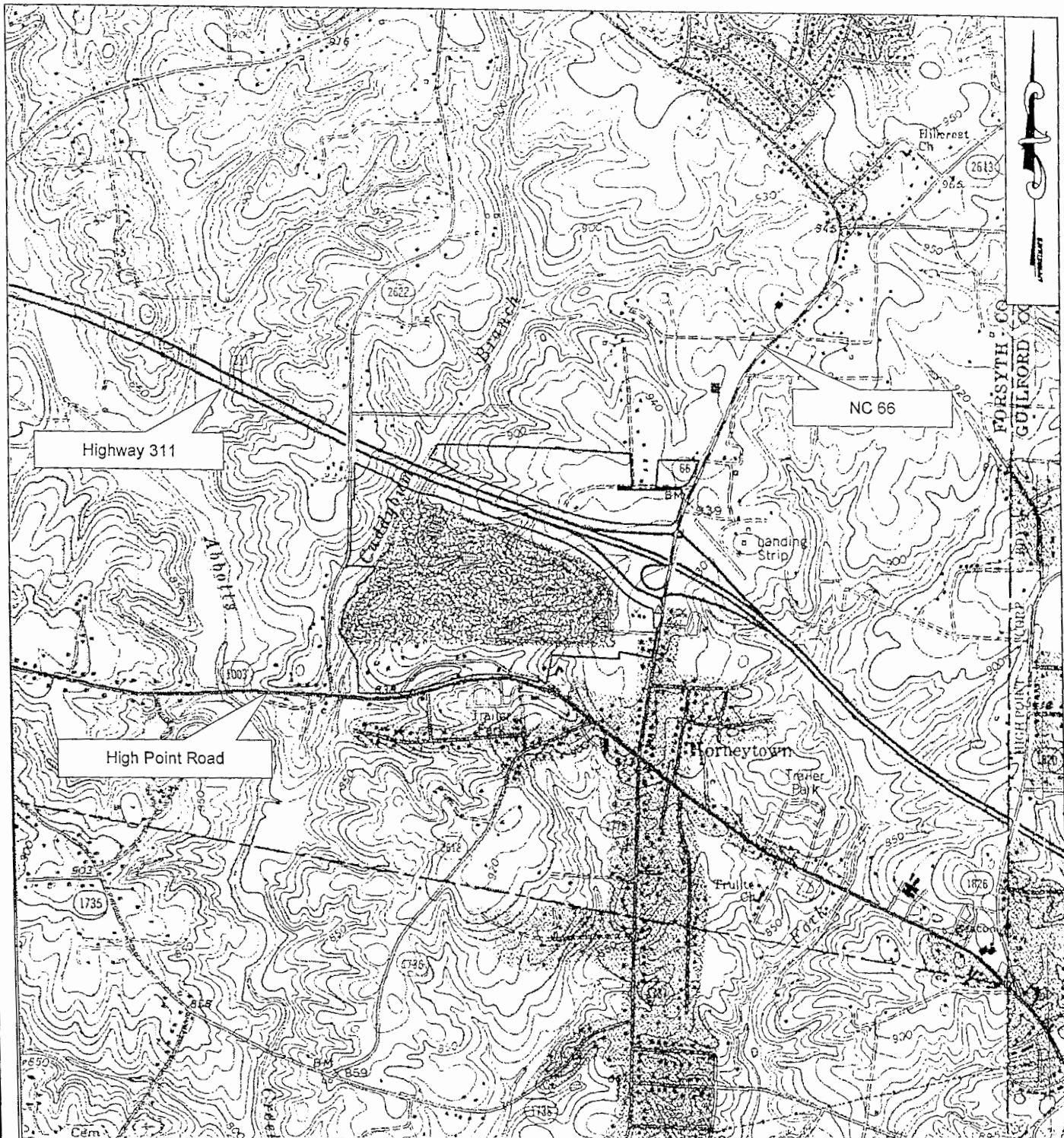
The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

## **Commenting Information**

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, November 27, 2006. Comments should be submitted to John Thomas, Raleigh Regulatory Field Office, 6508 Falls of the Neuse Road, Suite 120, Raleigh, NC 27615.



Approximate Scale: 1" = 2,000'

Reference: USGS 7.5 minute quadrangle of Kernersville, 1994.

**RECEIVED**

SEP 18 2006



**Carolina Wetland Services**  
550 E. Westinghouse Blvd.  
Charlotte, NC 28273

RALEIGH REGULATORY FIELD OFFICE

**Figure 1. Topographic Map**  
VMC East Forsyth Quarry Site  
Forsyth County, North Carolina  
CWS Project No. 2006-1318

*Figure 1 of 4*

PREPARED BY **PAB**

DATE **9.15.06**

CHECKED BY **CRW**

DATE **9.15.06**

Figure  
2 of 4

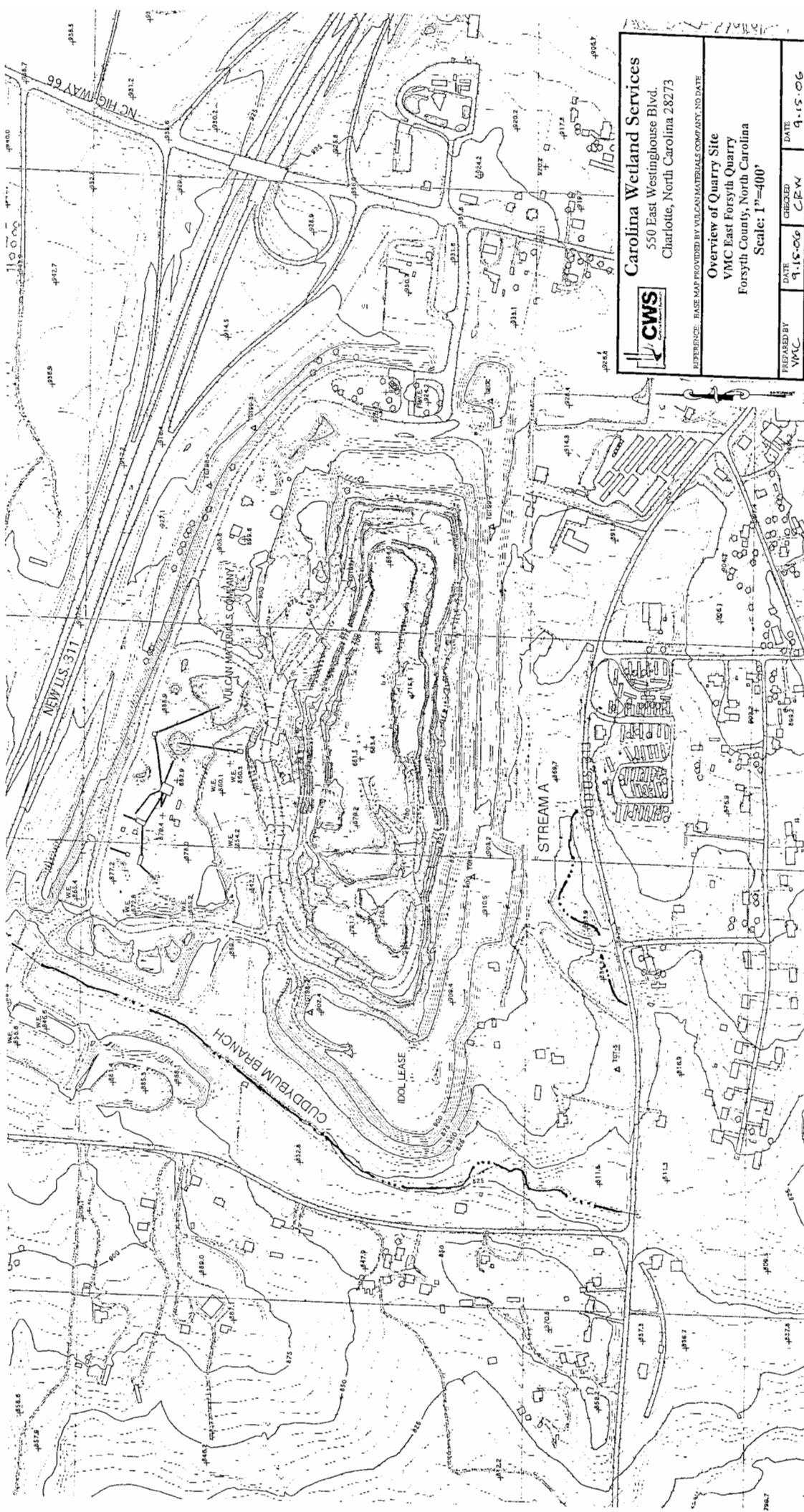


Figure  
2 of 4



**CWS**

**Carolina Wetland Services**  
550 East Westinghouse Blvd.  
Charlotte, North Carolina 28273

REFERENCE: BASE MAP PROVIDED BY GEOTECH MATERIALS COMPANY, NO DATE

**Intermediate Grading Plan**  
VMC East Forsyth Quarry  
Forsyth County, North Carolina  
Scale: 1"=200'

DATE	BY	CHECKED	DATE
1-6-06	CEW		4-15-06

MAP PROVIDED BY: VULCAN MATERIALS COMPANY, NO. DATE

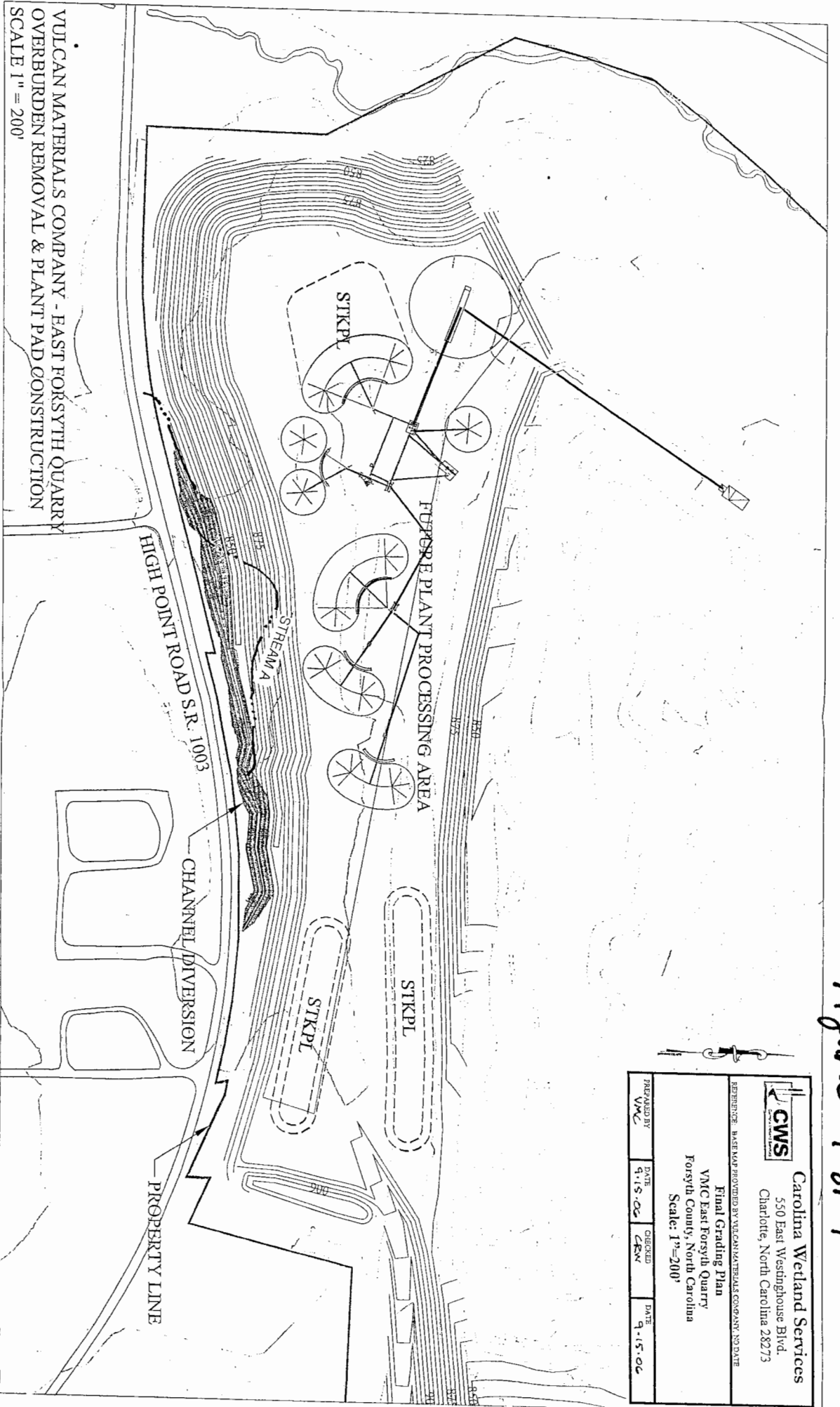
**Intermediate Grading Plan**  
**VMC East Forsyth Quarry**  
 Forsyth County, North Carolina  
 Scale: 1"=200'

REFERENCE: BASE MAP PROVIDED BY VT CAN MATERIALS COMPANY NO DATE

PREPARED BY	DATE	CHECKED	DATE
VMC	9.15.06	CEW	9.15.06

Figure 3 of 4





VULCAN MATERIALS COMPANY - EAST FORSYTH QUARRY  
OVERBURDEN REMOVAL & PLANT PAD CONSTRUCTION  
SCALE 1" = 200'

<b>CWS</b> Carolina Wetland Services 550 East Westinghouse Blvd. Charlotte, North Carolina 28273			
REFERENCE: BASE MAP PROVIDED BY VULCAN MATERIALS COMPANY; NO DATE Final Grading Plan VMC East Forsyth Quarry Forsyth County, North Carolina Scale: 1"=200'			
PREPARED BY VMC	DATE 9-15-06	CHECKED CFW	DATE 9-15-06